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July 2, 1998

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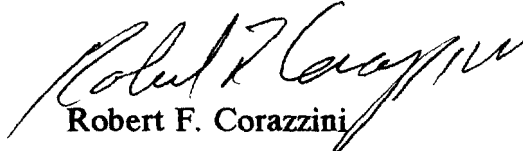
Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

**Re: Amendment of Parts 21 and 74 to Enable Multipoint
Distribution Service and Instructional Television Fixed
Service Licensees to Engage in Fixed Two-Way Transmissions -
MM Docket No. 97-217 and RM-9060: EX PARTE
COMMUNICATION**

Dear Ms. Salas:

Transmitted herewith on behalf of Region IV Education Service Center, is an original and fifteen (15) copies of its additional comments in the above-referenced rule making proceeding invited by the Commission pursuant to its June 12, 1998 public notice (DA 98-1119). Eleven copies are provided herewith for distribution to each Commissioner and staff member identified on the comments as receiving a copy of this filing. Should there be any questions concerning this matter, please communicate directly with the undersigned.

Very truly yours,


Robert F. Corazzini

Enclosure

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Education Service Center

Executive Director
W. L. McKinney, Ph.D

June 30, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M. Street, N.W.
Washington, D. C. 20554

Re: Amendment of Parts 21 and 74 to Enable Multiport
Distribution Service and Instructional Television Fixed
Service Licensees to Engage in Fixed Two-Way
Transmissions-MM Docket No. 92-217 and RM-9060:
EX PARTE COMMUNICATION

Dear Ms. Salas:

We are writing in response to the Commission's June 12, 1998 Public Notice (DA 98-1119) in the above-reference proceeding to express the strong interest of Region IV Education Service Center ("Region IV ESC") in seeing the Commission expeditiously adopt new rules and policies consistent with the proposals advanced by the over 110 wireless cable operators, ITFS licensees, MDS Licensees and equipment vendors that commenced this proceeding (the "petitioners").

Region IV ESC is the largest center in the state serving 56 school Districts and 60,000 educators. Our primary mission is professional development for teachers and administrators. Additionally, we operate an ITFS station that provides distance learning opportunities. Region IV ESC is an ITFS licensee actively engaged in distance learning education which has been significantly enhanced by its working partnership with wireless cable operators on the use of these ITFS channels.

Region IV ESC has previously supported the Petitioners' proposals in the above-caption rule making proceeding through the filing of Comments during the initial rule making comment period. Region IV ESC believes the Petitioners' approach will ensure that the substantial benefits of two-way technology are fully available for use by educators. Thus, it is of special importance to us that the Petitioners' proposal would allow all ITFS licensees to use their own channels for return path applications if they choose. Also of significance is the fact that the Petitioners are proposing to retain the existing interference protection standards and are proposing that the operator of any response station found to cause harmful electrical interference cure that interference. As a result, Region IV ESC believes that the Petitioners proposed interference protections rules and policies are fully protective of our interests, and we support their adoption.

Delays in the processing of applications and the inauguration of two-way services must be eliminated. Application processing delays have in the past adversely affected both the distance education community and the wireless commercial operators. As we pointed out in our original comments, the success of distance learning education will depend in no

small part upon the success of the wireless cable system industry. Because wireless cable will be competing against a variety of other providers of two-way services that are not subject to regulatory delay, it is essential that the Commission's new rules permit the rapid inauguration of two-way services, without application processing delays or burdensome testing requirements.

Our comments are directed to the **ex parte** presentations disclosed on the Commission's June 12, 1998 public notice which were filed after the close of the original comment period in May and June of 1998.

In a proposal of this magnitude, there are bound to be aspects that can be criticized, and indeed many of the **ex parte** comments did just that. However, we cannot allow this golden opportunity to pass merely because there is no simple solution. In January of 1998, the National ITFS Association, Inc., and the Wireless Communications Association International, Inc., entered into a Joint Statement of Position which it filed with the FCC in this proceeding. That Joint Statement which Region IV ESC fully endorses provides a realistic, workable road map for arriving at a solution of the conflicting interests which two-way transmissions may generate, in a manner which provide the greatest flexibility possible for wireless operators and ITFS licensees while at the same time accomplishing what we believe to be the most important single consideration of this proceeding, i.e., protection of the ITFS spectrum for its intended educational purposes.

Region IV ESC believes that it must have the ability to utilize two-way transmissions on its ITFS channels subject, of course, to compliance with the interference protection rules. BellSouth in its May 8, 1998 notice proposed that only "MDS-1, MDS-2/2A and an aggregated H-4" be authorized for response station transmission. Likewise, CTN has put forth previous proposals that would have the effect of limiting response stations to the MDS/MMDS spectrum. It is important to fully understand that Region IV ESC's interest specifically in this proceeding and generally with regard to two-way transmission is not simply for the ancillary benefits which it may receive from the wireless cable operator who profitably uses this advanced technology, but rather for the distance learning opportunity and educational tools which become available for the first time when we as educators have the wherewithal to deploy two-way services for strictly educational purposes. Response stations on ITFS channels will provide a state-of-the-art, highly interactive, two-way information vehicle. In fact, the mere availability of such a vehicle will immediately improve educational services in general and distance learning services in particular. Clearly, not all educators will immediately implement the use of an ITFS response vehicle, but as presented in Region IV ESC's earlier comments, flexibility is the key to innovation and the improvement of services. Depriving ITFS licensees of the ability to independently provide two-way services over their own channels is simply an unwarranted restriction on the very service that these Commenters presume to advocate. In time, this will undermine the value of the ITFS spectrum. Obviously, the broader availability of spectrum for return path use also enhances that aspect of the commercial system operation which in turn generates greater financial support for the distance learning services.

Region IV ESC urges the Commission to affirmatively consider changes to its current application processing procedures which would help expedite the deployment of these new services. We believe that the two-way licensing process proposed by the Petitioners is reasonable. The proposed process which is initiated by a detailed application submitted to the FCC and neighboring stations which includes the engineering analysis showing the interference protection, followed by a sixty day public notice petition to deny period with the ultimate requirement that any harmful electrical interference resulting from response stations must be cured, certainly adequately addresses interference protection issues. We concur that the probability of interference is low and thus, the risks are greatly outweighed by the benefits of two-way services expeditiously authorized. Again, the

ultimate safeguard is that interference must be promptly cured at the cost of those operating the two-way services.

We believe that the Petitioners' proposal fully protect our educational objectives and adequately address the legitimate concerns raised by educators. At the end of the day, if the commercial two-way services are not viable, then continuing financial support for ITFS service from wireless cable operators will be greatly diminished. In turn, of course, this inevitably will be reflected in a diminution of the distance learning and other educational services which ITFS licensee now and in the future will provide.

Thank you for your consideration of Region IV ESC's views.

Respectfully submitted,

Region IV Education Service Center
7145 West Tidwell
P.O. Box 863
Houston, Texas 77001-0863

A handwritten signature in cursive script, appearing to read "Frank DeLaro".

Frank DeLaro, Ed.D.
Assistant Executive Director

cc: Hon. William E. Kennard
Hon. Susan Ness
Hon. Harold Furchtgott-Roth
Hon. Michael K. Powell
Hon. Gloria Tristani
Mr. Roy Stewart
Mr. Keith Larson
Ms. Barbara Kreisman
Mr. Charles Dziedzic
Mr. Michael Jacobs
Mr. David Roberts